

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: MAWULI K. NYAKU Debtor, TOYOTA MOTOR CREDIT CORPORTATION, Movant, v. MAWULI K. NYAKU and, KENNETH E. WEST, Trustee, Respondents.	Bankruptcy No. 23-11728-PMM Chapter 13
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Toyota Motor Credit Corporation (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this *Motion for Relief from the Automatic Stay* (the “Motion”), representing as follows:

THE PARTIES

1. Respondent, Mawuli K. Nyaku, (“Debtor”), is an adult individual with a place of residence located at 4755 Essex Drive, Doylestown, Pa 18902.
2. Kenneth E. West is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding, and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about June 13, 2023, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. On or about March 24, 2022, the Debtor purchased a 2022 Toyota Camry, VIN: 4T1C11AK0NU674290 (the “Vehicle”), pursuant to a Retail Installment Contract (the “Contract”) with the Movant, a true and correct copy of which is attached hereto as **Exhibit A**.

6. Movant has a secure interest in the Vehicle, as evidenced by the Certificate of Title attached hereto as **Exhibit B**.

7. The Contract requires monthly payments of \$592.07, which amounts are due on or before the 8th of each month.

8. The Debtor has failed to make their monthly payments to Movant from January 2024 to date. The Debtor is \$2,960.35 in post-petition payment arrears.

9. The Debtor’s Chapter 13 Plan states that payments to Movant will be made outside the Plan.

10. The Total Debt due on the Contract as of May 29, 2024, was \$21,506.83.

11. The N.A.D.A. value of the Vehicle is \$19,800.00. N.A.D.A. report attached hereto as **Exhibit C**.

12. Movant is entitled to relief from the automatic stay for cause, because the Debtor has failed to make post-petition payments to Movant. 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Toyota Motor Credit Corporation, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay with respect to the 2022 Toyota Camry, VIN: 4T1C11AK0NU674290.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Dated: June 7, 2024